

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN
FRANCISCO,

No. C-04-5307 PJH (EMC)

Plaintiff,

v.

FACTORY MUTUAL INSURANCE
COMPANY, *et al.*,

**ORDER GRANTING DEFENDANT
FACTORY MUTUAL INSURANCE
COMPANY'S MOTION FOR ORDER
ALLOWING ADDITIONAL TIME FOR
LEE LAYPORT DEPOSITION**

Defendants.

(Docket No. 129)

Defendant Factory Mutual Insurance Company ("FMIC") has moved the Court for leave to take a two-day deposition of Lee Layport, the manager for design and installation of the Airport Rail Transit Operating System ("AirTrain") for Defendant Bombardier Transportation (Holdings) USA, Inc. Having considered the parties' briefs and accompanying submissions, as well as the oral argument of counsel, the Court hereby **GRANTS** the motion.

Federal Rule of Civil Procedure 30(d)(2) provides that, "[u]nless otherwise authorized by the court or stipulated by the parties, a deposition is limited to one day of seven hours." Fed. R. Civ. P. 30(d)(2). However, a "court must allow additional time consistent with Rule 26(b)(2) if needed for fair examination of the deponent" *Id.* FMIC has adequately established that more time is needed for the deposition of Mr. Layport. Bombardier does not dispute that Mr. Layport played a key role in the AirTrain project for Bombardier, as indicated by the number of documents he generated and received; indeed, at the hearing on the motion, Bombardier admitted that Mr. Layport was the point person. Moreover, an extended deposition would not pose an unreasonable burden on Bombardier or Mr. Layport, nor would an extended deposition be cumulative or duplicative since

1 there are subjects about which Mr. Layport is knowledgeable that are not covered by the 30(b)(6)
2 deposition. It is also notable that Bombardier has designated a person other than Mr. Layport as its
3 30(b)(6) deponent, in large part because FMIC was seeking a deponent who could provide a “big
4 picture” view.

5 Accordingly, FMIC’s motion is granted. FMIC shall have two days (*i.e.*, a total of fourteen
6 hours) to take the deposition of Mr. Layport. The first day of the deposition shall proceed on
7 September 6, 2007, at a time and place to be designated by FMIC. The parties shall meet and confer
8 to determine a mutually agreeable date for a second day of deposition.

9 This order disposes of Docket No. 129.

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11 IT IS SO ORDERED.

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13 Dated: August 2, 2007

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16 EDWARD M. CHEN
17 United States Magistrate Judge
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